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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/622,767	Applicant(s) PLASTINA ET AL.	
	Examiner Manglesh M. Patel	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on (Amendment) August 21, 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/6/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This **FINAL** action is responsive to the amendment filed on 8/21/2006 and IDS filed on 10/6/2006.
2. Claims 1-50 are pending. Claims 1, 17, 29, 39 and 45 are independent claims.

**Withdrawn Objections**

3. The objection to claims 16 & 28 have been withdrawn in light of the amendment.

**Withdrawn Rejections**

4. The 35 U.S.C. 101 rejections of claims 39, 45, 40-44 & 46-50 have been withdrawn in light of the amendment.

**Information Disclosure Statement**

5. The information disclosure statement (IDS) submitted on 10/6/2006 has been entered, and considered by the examiner.

**Response to Declaration Under 37 CFR 1.131**

6. The Affidavit filed on 8/21/2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the MusicMatch reference.

The evidence is insufficient to establish reduction to practice of the invention before February 7, 2003. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the MusicMatch reference. The applicant points to Exhibit A that describes a section of computer programming code. Applicant states that "The code downloads an image file based on a media content identifier and stores the image file as a function of the identifier" (see pg 1, #3), however the following statement is insufficient evidence. The declaration must clearly explain which facts or data applicant is relying on to show that the invention was completed prior to a certain date. There is no explanation as to how the program code relates to the claimed invention. The declaration does not show which claims Exhibit A supports, and which limitations a certain portion of the Exhibit supports. Further, the applicant must clearly explain the exhibit or any evidence which forms part of the declaration, to point out exactly what facts are established and relied upon to support the declaration, in order to meet the statutory requirements of 37 CFR 1.131. There is no explanation

detailing in what manner Exhibit A supports the claimed invention. The applicant has included a general and vague statement as to when the invention was reduced to practice. **A mere statement declaring that the invention was conceived or reduced to practice by a specific date predating the applied prior art reference is insufficient to satisfy CFR 1.131.** It is unclear that the cited code portion works for its intended purpose (i.e. without screenshots of the program in action). It is also unclear if this reflects the completed invention. Further the declaration does not include any reference to NAFTA.

Applicant points to Exhibit B stating that "Exhibit B is an electronic mail message, having portions redacted, that accompanied checkin of the computer programming code in Exhibit A into a build. Exhibit B shows that the code segment of Exhibit A was incorporated into an application program" (see pg 2, #4). However Exhibit B is not enough to prove reduction to practice because a build does not prove that the program worked for its **intended purpose**.

Applicant points to Exhibit C stating "Exhibit C is a testing results document, having portions redacted, relating to the section of computer programming code shown in Exhibit A. Exhibit C shows how the application program that the code segment of Exhibit A operated before the code segment was included in the application program, and that after including the code segment of Exhibit A, the application program worked for its intended purpose to either display from local memory or download and display an image file related to media content selected for rendering" (see pg 2, #5). However Exhibit C is merely an email of observation and discussion of the problem and recommendations.

In General, proof of actual reduction to practice requires a showing that the apparatus actually existed and worked for its intended purpose. This proof is demonstrated with satisfactory evidence of facts supporting priority of invention, said proof usually in the form of exhibits. Examples of support include attached sketches, blueprints, photographs, reproduction of notebook entries, accompanying models, supporting statements by witnesses, interference testimony, and/or prior submission to the USPTO of Disclosure Documents.

A general allegation that the invention was completed prior to the date of the reference is not sufficient. *Ex parte Saunders*, 1883 C.D. 23, 23 O.G. 1224 (Comm'r Pat. 1883). Similarly, a declaration by the inventor to the effect that his or her invention was conceived or reduced to practice prior to the reference date, without a statement of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. **Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts"** and, thus, does not satisfy the requirements of 37 CFR 1.131(b). *In re Borkowski*, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 333 F.2d 920, 142 USPQ

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164 (CCPA 1964) (Affidavit "asserts that facts exist but does not tell what they are or when they occurred.").

In view of the examples of support as explained above, it is the examiner's opinion that the presented combination of evidence within Exhibits A, B and C is insufficient proof that applicant's invention was reduced to practice before the publication date of the MusicMatch reference. Accordingly, said affidavit is ineffective to overcome the publication date of the MusicMatch reference at the present time (See MPEP 8<sup>th</sup> Edition, section 715.07).

**Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-3, 8, 10, 15-16, 27, 29, 36 and 38 remain rejected under 35 U.S.C. 102(a) as being anticipated by NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9.

**Regarding Independent claims 1 and 29**, MusicMatch discloses a method of processing a media file, said media file being adapted for rendering by an application program executed by a computing device, said method comprising:

- Determining whether a user-selected image file corresponding to media content contained in the media file is stored in a memory accessible by the computing device executing the application program (Chapter 5, manage your music collection, pg 3, wherein the image file [album art] associated with the media [song] selected by the user is saved in memory. It is determined if the image resides in memory once the user selects the [find art file] button);
- If not, determining whether a third-party image File accessible by the computing device corresponds to the media content contained in the media file (Chapter 5, manage your music collection, pg 4, wherein tags include image information which are either selected by the user in a library or a [lookup tags feature] which allows connection to a third-party for accessing a image file as part of the tag information);

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- And displaying either the user-selected image file or the third-party image file as determined when the application program renders the media file corresponding thereto (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music).

**Regarding Dependent claims 2 and 30,** MusicMatch discloses wherein the application program comprises at least one of the following: a media player and an operating system shell (Chapter A1, wherein MusicMatch Jukebox is a media player).

**Regarding Dependent claim 3,** with dependency of claim 1, MusicMatch discloses wherein the user-selected image file is stored in at least one of the following: a header of the media file, a shell folder, a registry, and a directory (Chapter 5, manage your music collection, pg 3, wherein the user-selected image file is stored within a Jukebox subdirectory).

**Regarding Dependent claim 8 and 36,** MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art).

**Regarding Dependent claim 10,** with dependency of claim 1, MusicMatch discloses rendering the media file with an image represented by either the user-selected image file or the third-party image file as determined (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is rendered with the music, the image file comprising album art).

**Regarding Dependent claim 15, 27 and 38,** MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover art (Chapter 5, manage your music collection, pgs 3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]).

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Regarding Dependent claim 16, with dependency of claim 1, the claim describes a method and contains the same limitations as claim 1 and is therefore rejected under the same rationale.

**Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-7, 9, 11-14, 22-24, 34-35, 37, 39, 40-44 remain rejected under 35 U.S.C. 103(a) as being unpatentable over NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9 in view of Meyers (U.S. 6,829,368, filed on Jan 24, 2001).

Regarding Dependent claim 4, with dependency of claim 1, MusicMatch teaches the connection to a third-party to retrieve album art associated with the media file (Chapter 5, manage your music collection, pgs 3-4. Although MusicMatch describes the use of a file name for retrieving the tag information it fails to explicitly describe the use of an identifier). Meyer discloses wherein the third-party image file has a filename associated therewith, and wherein determine whether the third-party image file corresponds to the media content contained in the media file comprises searching for an identifier value in the filename, said identifier value being associated with an identifier and corresponding to the media content (column 2, lines 35-50 & column 6, lines 60-67, wherein audio and media objects are connected to a third-party by using metadata which include identifiers. Meyer describes the use of metadata for retrieving more information about the music, although Meyer doesn't explicitly teach the image or album art as part of the metadata he describes media players such as MusicMatch that extract metadata from third-party servers and MusicMatch shows that the metadata includes album art as part of the tag information). Meyer discloses that media player software such as MusicMatch is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or

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broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 5, 24, 34 and 40,** MusicMatch doesn't explicitly teach identifiers. Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 6, 23, 35 and 41,** MusicMatch doesn't explicitly teach identifiers. Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have



been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

Regarding Dependent claim 7, with dependency of claim 1, MusicMatch teaches the connection to a third-party to retrieve album art associated with the media file (Chapter 5, manage your music collection, pgs 3-4. MusicMatch doesn't explicitly teach identifiers. Meyer discloses identifying a version of the application program, and wherein determining whether the third-party image file corresponds to the media content contained in the media file comprises determining whether the third-party image file corresponds to the media content contained in the media file based on the identified version (column 8, lines 63-67 & column 9, lines 1-8, wherein the third-party media content comprising an image file is validated with the media file by using version information). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper-mapping of additional context to the media object to effectively promote third-party content.

Regarding Dependent claim 9, 22, 37 and 43, MusicMatch describes the metadata has tags for describing the media content but fails to explicitly include hyperlink information associated with the metadata, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

Regarding Dependent claim 11, with dependency of claim 1, MusicMatch describes the metadata has tags for describing the media content but fails to explicitly include hyperlink information associated with the metadata, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink). MusicMatch doesn't explicitly teach identifiers. Meyer discloses: sending an identifier value associated with the media file from the computing device to the metadata provider (column 2, lines 35-65, wherein the identifier value associated to the media content is sent via linking to a metadata provider); receiving metadata corresponding to the media content contained in the media file from the metadata provider in response to the sent identifier value, said received metadata including the third-party image file (column 2, lines 35-65, wherein the received media content from the metadata provider thru linking is in response to the sent identifier) ; and storing the received third-party image file in a directory with the media file (column 16, lines 60-67 & column 17, lines 1-10, wherein the content is in the directory within the media file via content package). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 12**, with dependency of claim 11, MusicMatch discloses wherein the metadata provider comprises at least one of the following: a human operator, a local cache, a media library, and a remote server (Chapter 5, manage your music collection, pgs 3-4, wherein the metadata provider includes a media library and remote server).

**Regarding Dependent claim 13**, with dependency of claim 11, MusicMatch discloses wherein the computing device and the metadata provider are coupled to a data communication network (Chapter 5, manage your music collection, pgs 3-4, wherein the metadata provider is connected to the computing device thru the internet).

**Regarding Dependent claim 14**, with dependency of claim 11, MusicMatch doesn't explicitly teach identifiers. Meyer discloses storing the received third-party image file comprises storing the received third-party image file with a filename comprising an identifier value corresponding to the media content (column 2, lines 35-55, wherein the third-party media content comprising image information contains a filename that is associated by an identifier to the media content). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by

including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Independent claim 39**, MusicMatch discloses: *A media file storing media content for rendering with an application program executed by the computing device* (Chapter 5, manage your music collection, pgs 3-4, wherein the media file stored within the library includes media content for an application program, the application program is MusicMatch Jukebox); MusicMatch doesn't explicitly teach identifiers. Meyer discloses *And an image file corresponding to the media file, said image file having a filename associated therewith, said filename comprising an identifier value associated with the media content in the media file corresponding thereto, wherein the application program displays the image file having the filename including the identifier value associated with the media file when the application program renders the media file* (column 2, lines 35-55, wherein the third-party media content a filename that is associated by an identifier to the media content). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata is part of tag information that includes album art or image information for display. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of an identifier for retrieving image information from a third-party. The motivation for doing so would have been to allow the third-party or broadcasters to effectively promote content by including information associated with the media object using metadata that include identifiers. Therefore it would have been obvious to combine the teachings of Meyer with MusicMatch for the benefits of associating image information to media objects by using an identifier thereby allowing the proper mapping of additional context to the media object to effectively promote third-party content.

**Regarding Dependent claim 42**, with dependency of claim 39, MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art).

**Regarding Dependent claim 44**, with dependency of claim 39, MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover art (Chapter 5, manage your music collection, pgs 3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]).

11. Claims 17-28, 31-34 and 46-50 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers (U.S. 6,829,368, filed on Jan 24, 2001) in view of NPL-MusicMatch, MusicMatch Jukebox Users Guide, Feb 7, 2003, chapters A1-A6 & 1-9.

**Regarding Independent claim 17 & 28**, Meyer discloses a method for processing image files, said method comprising: sending, from a computing device to a metadata provider, an identifier value associated with a media file, said media file storing media content to be rendered with an application program executed by the computing device (column 2, lines 35-51, wherein an identifier value associated to the media content is send to the metadata provider via linking from the computing device over a network, in addition the media content is rendered by the application program); Meyer fails to explicitly describe the metadata including image information. MusicMatch discloses receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including an image file (Chapter 5, manage your music collection, pg 4, wherein tags include image information which are either selected by the user in a library or a [lookup tags feature] which allows connection to a third-party for accessing a image file as part of the tag information); Storing the received image file in a directory with the media file, said received image file having a filename, said filename comprising an identifier value corresponding to the media content stored in the media file (Chapter 5, manage your music collection, pgs 3-4, wherein the image file is stored in a directory as part of a user library). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it

would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 18**, with dependency of claim 17, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information.

MusicMatch discloses wherein the application program comprises at least one of the following: a media player and an operating system shell (Chapter A1, wherein MusicMatch Jukebox is a media player). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 19**, with dependency of claim 17, Meyer discloses:

- *Receiving the identifier value from the metadata provider* (column 3, lines 5-25, wherein the identifier value is associated to the media content via linking to the provider);
- *And generating the filename with the received identifier value* (column 2, lines 50-67, wherein the audio filename is associated with the identifier value).

**Regarding Dependent claim 20**, with dependency of claim 17, Meyer discloses:

- *Generating the identifier value* (column 2, lines 35-57, wherein an identifier is generated to associate the linking of audio and other media objects to metadata);
- *And creating the filename with the generated identifier value* (column 2, lines 50-67, wherein the

filename associated to the electronic file is generated with the identifier information pertaining to the audio).

**Regarding Dependent claim 21**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the image file comprises a reference to image data (Chapter 5, manage your music collection, pgs 3-4, wherein the image information references image data such as image format of .bmp or .jpg). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 22**, with dependency of claim 21, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink).

**Regarding Dependent claim 23**, with dependency of claim 17, Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier).

**Regarding Dependent claim 24**, with dependency of claim 17, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

**Regarding Dependent claim 25**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein storing the received image file in the

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directory with the media file comprises overwriting an existing image file stored in the directory with the received image file (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 26**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the metadata provider comprises at least one of the following: a user, a local computing device, and a third party art provider (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 27**, with dependency of claim 17, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses wherein the media content comprises audio, and wherein the third-party image file comprises album cover art (Chapter 5, manage your music collection, pgs



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3-4, wherein the third-party or user-selected image file comprises [album art] and is associated with the audio [song]). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 31**, with dependency of claim 29, Meyer discloses *a communications component for: Sending an identifier value associated with the media file from the computing device to a metadata provider* (column 2, lines 35-65, wherein the identifier value associated to the media content is sent via linking to a metadata provider); Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses *receiving metadata corresponding to the media content stored in the media file from the metadata provider in response to the sent identifier value, said received metadata including the third-party image file* (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

Regarding Dependent claim 32, with dependency of claim 31, Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses an authoring component for storing the third-party image file received via the communications component in a directory With the media file, said received third-party image file having a filename, said filename comprising an identifier value corresponding to the media content (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

Regarding Dependent claim 33, with dependency of claim 29, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information. MusicMatch discloses wherein the third-party image file has a filename associated therewith, and Wherein the resolution component searches for an identifier value in the filename in determining whether the third-party image file is accessible to the computing device, said identifier value being associated with an identifier and corresponding to the media content (Chapter 5, manage your music collection, pgs 3-4). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the

user to correctly identify the media object.

**Regarding Dependent claim 34**, with dependency of claim 33, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

**Regarding Independent claim 45**, Meyer discloses a computer-readable medium having stored thereon a data structure representing a filename for an image file associated with a media file, said media file storing media content, said filename comprising: an identifier value associated with the media content, wherein an application program executed by a computing device searches a file system associated with the computing device for the image file using the identifier value to display the image file while rendering the media content, and wherein the application program further searches a file system not associated with the computing device if the image file is not found in the file system associated with the computing device (column 2, lines 35-65, & fig 1, wherein the identifier is stored within the file of the media content, and when rendered it uses the identifier value to display the associated information with metadata for the content. Wherein fig 1 shows that the metadata is retrieved from servers thereby including searching a file system on another server). Meyer fails to explicitly teach image information as part of the metadata. MusicMatch discloses the use of image information such as album art as part of the metadata or tag information used to describe the media objects (Chapter 5, manage your music collection, pgs 3-4, wherein the image file is stored in a directory as part of a user library). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 46**, with dependency of claim 45, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information.

MusicMatch discloses wherein the application program comprises at least one of the following: a media player and an operating system shell (Chapter A1, wherein MusicMatch Jukebox is a media player). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 47**, with dependency of claim 45, Meyer discloses wherein the identifier value comprises a globally unique identifier (column 2, lines 52-67, wherein the identifier value is a unique identifier).

**Regarding Dependent claim 48**, with dependency of claim 45, Meyer discloses wherein the identifier comprises WMCollectionID (column 6, lines 60-67, wherein the identifier includes Windows Media collection ID).

**Regarding Dependent claim 49**, with dependency of claim 45, Meyers teaches the use of an identifier (column 2, lines 35-51). Meyer fails to explicitly describe the metadata including image information. MusicMatch discloses wherein the third-party image file comprises a reference to image data (Chapter 5, manage your music collection, page 3, wherein the users selected image or the third-party image from the tag information is applied with the music, the image file comprising album art). Meyer discloses that media player software such as **MusicMatch** is used to extract identifier information using plug-in software. Meyer describes metadata that includes an identifier linked to the media objects but doesn't explicitly disclose the

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metadata to include image information. However MusicMatch teaches that the metadata as part of tag information includes album art or image information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the use of image information as part of the retrieved metadata. The motivation for doing so would have been to allow the user to correctly see the associated context information by including album art such as cover art. Therefore it would have been obvious to combine the teachings of MusicMatch with Meyer for the benefits of allowing the proper mapping of additional context such as image information such as album art to the media object to allow the user to correctly identify the media object.

**Regarding Dependent claim 50**, with dependency of claim 49, Meyer discloses wherein the reference comprises a hyperlink (column 18, lines 30-36, wherein the reference includes a hyperlink).

*It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]*

#### **Response to Arguments**

12. Applicant's arguments filed 8/21/2006 have been fully considered but they are not persuasive. The applicant argues:

"In any case, applicants submit herewith evidence (Exhibit A, B, and C) accompanying a declaration under 37. C.F.R. 1.131 that establishes applicants' prior invention." (See pg 12, paragraph 1).

However the examiner has stated the reasons above pointing out why the affidavit is insufficient to overcome the effective filing date of the MusicMatch reference.

(note: If the applicant disagrees with the following arguments but is willing to expedite prosecution of the application via proposed amendment to the claims please contact the examiner to schedule an interview.)

**Conclusion**

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M, W 6 am-3 pm T, TH 6 am-2pm, Fr 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh Patel  
Patent Examiner  
October 23, 2006



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**PRIMARY EXAMINER**